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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,520	11/26/2001	Scott Lochner	07326-002003	1263

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FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

DINH, DUC Q

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/994,520

Applicant(s)

LOCHNER ET AL.

Examiner

DUC Q. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) 24-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on January 08, 2007, PROSECUTION IS HEREBY REOPENED. An Office Action to correct the status of the rejected claims 7, 11 and 15-16 set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 3, 5, 7, 8 and 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson et al (U.S Patent No 4,485,400), hereinafter Lemelson.

In reference to claim 2, Lemelson discloses a system in Fig. 6-7, comprising:

a first housing (first portable video phone in Fig. 6) having a data entry part (keyboard 76) allowing entry of data, a display part (display 42) allowing display of information, and a first wireless transceiver part (105, 106 and 107), which communicates information; and

a second housing separate from said first housing (second portable video phone 86) having second wireless transceiver part (15-17, Fig. 6) adapted to communicating part to exchange information therewith (each unit of the video phone containing in a single housing; see abstract), said second housing include at least a video generation circuit (camera 22, A/D circuit 26, memory 24; sync generator 108 and decoder 109) which produces a video output including at least one synchronization signal (col. 10, lines 55-63) and sending said video output to said first housing to drive the display part to display information based on video output with said at least one synchronization signal (col.11, lines 50-63).

In reference to claim 3, Lemelson discloses the synchronization signal includes at least one horizontal synchronization signal and one vertical synchronization signal (col. 10, lines 55-62).

In reference to claim 5, Lemelson discloses video output signal include analog video signal (the D/A converter 39 provide output analog video signal in Fig. 7B).

In reference to claim 7, Lemelson discloses at least one synchronization signal is contained within a same signal as said video output signal (col. 4, lines 19-24).

In reference to claim 8, Lemelson discloses the video output signal includes an RGB signal (col. 3, lines 10-18).

In reference to claim 12, Lemelson disclose that video phone system comprising a third housing (third video phone which communicate with the first video phone), also including a data

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entry part allowing entry data, a display part allowing display information and another transceiver part communicating information, wherein the third housing also communicates information to the second housing (second video phone) and receives data from the second housing (the second video phone system; see abstract).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S Patent No. 4,485, 400) in view of Tymes (U.S Patent No. 5,157,687).

In reference to claims 4, Lemelson does not disclose the horizontal and vertical synchronization signals are respectively produced on different frequency channels.

Tymes discloses a packet data communication network between terminals using different frequency channels to carry the data signals in Fig. 2 (col. 13, lines 59-65 and col. 14, line 66 – col. 15, lines 5).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the data communication network using different frequency channels in the in the device of Lemelson in view of the teaching of Tymes so that interference on any particular frequency may be avoid by merely changing to a different frequency, but the transceivers will

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tends to stay on a single frequency for prolonged periods of time when there is no need to change (col. 15, lines 2-5 of Tymes).

In reference to claim 6, Lemelson does not disclose the first and second wireless transceivers part communicate via spread spectrum modulation.

Tymes discloses the data communication network in Fig. 1 communicate via spread spectrum modulation as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the communication links using the spread spectrum modulation technique in the system of Lemelson in view of the teaching of Tymes because it would provide a reliable, low cost communication system (col. 3, lines 50-59).

6. Claims 10, 13-16, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (U.S Patent No 4,885,400) in view of Taaffe et al (U.S Patent No 5, 064,027), hereinafter Taaffe.

In reference to claim 10, Lemelson does not disclose the video generation element produces information indicative of an image to be display on the display part, but send only new picture information representing change in contents of the image.

Taaffe discloses a method an apparatus for processing and displaying images which send only new picture information (image) representing change in the contents of the image (col. 10, lines 37-43, col. 11, lines 28-41).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the method of sending only image that need to be changed on only one partition of the

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display in the system of Lemelson in view of the teaching of Taaffe because it would minimize data transfer time between the first processing and second processing unit (col. 2, lines 27-32).

In reference to claim 13, Lemelson discloses a system comprise a data entry part (keyboard 76); a display part (42) allowing transmission of data enter by data entry part to a remote processing terminal (second video phone), and receive video information from the remote processing terminal (see rejection as applied to claim 2 and col. 14, lines 68). In addition Taaffe discloses the method of only new image information representing changes in image since previous transmission as rejected in claim 10 above.

In reference to claim 14, refer to the rejection as applied to claim 12, Lemelson discloses additional communication unit as a video phone.

In reference to claims 15-16, refer to the rejection as applied to claim 2 (video information includes video synchronization information, i.e.: vertical synchronization and horizontal synchronization).

In reference to claim 19, Lemelson discloses the wireless transceiver produce a signal for said second wireless transceiver indicating of information enter on the data entry part (col. 14, line 55 – col. 15 line 17).

In reference to claim 20, Lemelson disclose the keyboard 76 in Fig. 6.

In reference to claim 21, Taaffe discloses the video information include digital data in a serialized form (the serial connection of optical 21, image controller 37 and working buffer 37 through image processing bus 39; col. 8, lines 58-63).

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7. Claims 11, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Taaffe and further in view of Tymes (U.S Patent No. 5,157,687).

In reference to claim 11, the combination of Lemelson and Taaffe does not disclose the information is transmitted in burst to update the display part during said burst Tymes discloses the information is transmitted in burst to update the display part during said burst (i.e. data packet 17 and 18 of Fig. 2 is transferred in burst : col.5, lines 47-62).

It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize the teaching of transferring data in package to update the display in the combination of Lemelson and Tymes because it would provide reliable, low cost communication for the communication system (col. 3, lines 55-58 of Tymes).

In reference to claims 17, the combination Lemelson and Taaffe does not disclose the horizontal and vertical synchronization signals are respectively produced on different frequency channels.

Tymes discloses a packet data communication network between terminals using different frequency channels to carry the data signals in Fig. 2 (col. 13, lines 59-65 and col. 14, line 66 – col. 15, lines 5).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the data communication network using different frequency channels in the in the device of Lemelson in view of the teaching of Tymes so that interference on any particular frequency may be avoid by merely changing to a different frequency, but the transceivers will tends to stay on a single frequency for prolonged periods of time when there is no need to change (col. 15, lines 2-5 of Tymes).

In reference to claim 18, Tymes discloses the data communication network in Fig. 1 communicate via spread spectrum modulation as claimed.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the communication links using the spread spectrum modulation technique in the system of Lemelson in view of the teaching of Tymes because it would provide a reliable, low cost communication system (col. 3, lines 50-59).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson in view of Pfeiffer et al (U.S Patent No 5,129,060).

In reference to claims 9, Lemelson does not discloses the video generation element produces a digital signal with parallel bit and converts said signal into serial signal which is transmitted by the second wireless transceiver part to the first housing.

Pfeiffer discloses a high-speed image processing system having video processor 106 converting a digital signal with parallel bits and converts the signal into serial signal and transmitted data serial signal to the display device.

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the processor 106 to convert the parallel bit to serial signal in the device of Lemelson as taught by Pfeiffer because it would provide high speed serial signal to enhance high speed image processing capabilities (col. 2, lines 35-37).

Response to Arguments

9. Applicant's arguments filed 01/08/07 have been fully considered but not persuasive. With respect to claim Rejection under 102 (see page 3-7 of the Argument). Applicant argues that Lemelson never teaches sending a video output with a synchronization signal. The examiner disagrees, as indicated in the discussion related to claim 2 above, Lemelson discloses a video generation element which produce a video output include at least one synchronization signal (vertical/horizontal synchronization signal; col. 10, lines 50-65) from one *video* telephone and sending the video signal to another *video* telephone wirelessly by transceiver 150.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (claims 4, 6, 11 and 18-20; see page 7-8 of the Argument), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

With respect to Lemelson in view of Taaffe, the examiner respectfully disagrees, as discussed above, Taaffe discloses updating video signals with the synchronize signals (see col. 6, lines 31-51) that updates the information representing the changes in an updated image. Therefore, It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the method of sending only image that need to be changed on only one

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partition of the display in the system of Lemelson in view of the teaching of Taaffe because it would minimize data transfer time between the first processing and second processing unit (col. 2, lines 27-32). Furthermore, Claim 9 is rejected by the virtue of its dependency.

The rejection, therefore, is maintained.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q. DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

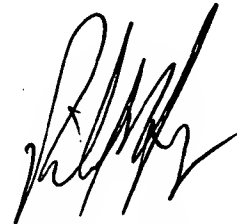
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DUC Q DINH/
Examiner
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DQD
February 28, 2007



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600